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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,566	03/07/2001	Yeong Kuang Oon	208778	3733

23460 7590 06/03/2005

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EXAMINER

BUI, KIM T

ART UNIT PAPER NUMBER

3626

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,566

Applicant(s)

OON, YEONG KUANG

Examiner

Kim T. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/07/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/07/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1,2, 4-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena), or software that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. The body of the claim(s) must recite how the technological art is employed to produce a useful, concrete and tangible result in a non-trivial manner.

- (A) In general, the claims recite a collection of software, in particular, claims 1-2, 4-6 recite a collection of software for receiving, recording and storing files, for receiving a query/ transmitting recorded material, a browser and a screen, that do not involve, use or advance the technological art.

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(B) Method claims 7-8, and dependent claims 25-27, in particular, recite no technological art. Dependent claims 9-24 further limit the computer language.

In addition, for a claimed invention to be statutory, it must produce a useful, concrete, and tangible result. In the present case, the claimed invention recited in claims 1-2, 4-27 produces a system for receiving, recording and transmitting recorded material (i.e., repeatable) used in medical record management system (i.e., useful and tangible).

Although the recited process in claims 1-2, 4-27 produce a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-14, 19 deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) As per claim 1, it is unclear what are the structural limitation(s) of the system administrator. The claim recites a collection of software modules.

(B) As per claims 2, 5, 6, the claims further recite no interconnected-structure(s) to support the system administrator in the preamble of claim 1.

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(C) As per claim 4, except for the screen, the claim recites a collection of software without structural limitation(s) to support the management system in the preamble. In addition, "the relevant recorded material" on line 9 lacks clear antecedent basis;

(D) As per claim 7, it is unclear what phrase "which has been assigned selective access" on lines 8-9 modifies. "The recorded material" in claim 7, line 9 and "the relevant recorded material" in claim 7, line 9 lack clear antecedent basis.

(E) As per claim 9, " system and/or method of any" on line 1 is confusing.

It is unclear how the recitation(s) in claim 9 further limit the steps of method claim 7, or the structural limitation(s) of the administrator or the system.

Also, " all his attendant past, present, and future diagnosis and management issues" on lines 4-5 is indefinite, it is unclear how all the future issues are represented.

(F) As per claim 10, the language of the claim is unclear, " system and/or method" on line 1 is confusing.

in general, the language of claim 10 is not positively recited, " being defined", " be machine interpretable", "being computer keyword rich", "being parsable", and " being capable" on line 3, 7, 9, 11, 16,18, respectively, are not descriptive and not positively recited.

on line 3, it is unclear what phrase "all but natural language style, suitable for human readability and human check on veracity" modifies.

on line 7, it is unclear how "with means for" is connected to the any of the structural limitation(s) of the claims.

on line 11, it is unclear what "being computer keyword rich" represents.

on line 12, it is unclear how the step "constructing patient" further limit the steps of the method in claim 7.

In addition, it is unclear what structure in the administrator or the system is employed to carry out this step for constructing.

"capable of interacting" on line 18 is confusing. It is unclear how the interacting is performed by any of the structure(s) of the administrator or system, and how this "interacting" further limit the steps in the method claims.

It is unclear if the limitation in a)- i) further limit the steps or the structure(s).

(G) As per claim 11, "the Unicode character set" on line 3 lacks clear antecedent basis.

(H) As per claim 12-24, "administrator, system and/or method" on line 1 is confusing. The language of the claim 12, general, is unclear. It is unclear the steps a) to (f) of claim 12 further limit the scopes of the claims it depends on.

In addition, it is unclear what is derived from the steps, is it the medical objects, the species, the keyword or the language?

It is also unclear if the applicant is seeking protection for an apparatus with interconnected structure(s) or for a method consisting of a series of steps.

"the primary key", "the taxa of phylum", "the type of alphabetic keys", "the secondary key", "the linear medical word", "the species and subspecies", the different taxa", "the various level" on lines 5,7, 10,11,12,15, 16 respectively lack clear and proper antecedent basis.

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(I) As per claim 13, "the computer interpreter" on line 6, "the signature", "the person", "the entry or amendment", "the status", "the event", "the smallest component" on lines 6, 8, 11, 14 lack clear antecedent basis;

In addition, it is unclear how the event and the word descriptor are structurally connected with each other and with other structural limitation(s) to make up the system, the administrator, or to further limit the steps of the method claim.

(J) As per claim 14, "the supervisory program" on line 9 lacks clear antecedent basis;

It is unclear how the entities, the symptoms, signs, diagnoses, treatment investigations, investigation results, the linear hierarchy, alphabetic keyword, computer object, presentation type, link type, unity type, management type, administration type, command type, protocols, and supervisory program, are structurally connected to with each other and with other structural limitation(s) to make up the system, the administrator, or to further limit the steps of the method claim.

(K) As per claim 15, "characterised" on line 2 is not positively recited. Further more, it is unclear how the phrase "by having....chronological order" on lines 2-4 of claim 15 further limit the structures of the system, the administrator or the steps of the method claim.

(L) As per claim 16, "the present and past patient medical status" on line 2, "these protocols" on line 4 lack clear antecedent basis.

In addition, it is unclear how all the relevant and signification medical information, "all preventive protocols" "all events" on lines 3-4 are defined and represented.

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Further more it is unclear how “means to represent..”, on line 2 further limit the structure(s) of the administration, the system, or the steps of the method claim.

On line 5, it is unclear what phrase “ are held in one location” modifies.

(M) As per claim 17, it is unclear what structure(s) of the administrator or system is /are employed to carry out each of the steps of aggregating.

It is also unclear how the step(s) of aggregating further limit the steps of the method claim.

On line 3, it is unclear how the events are aggregated into not yet defined entities; “not yet”, “about to”, “well defined” on lines 2-3 are unclear and indefinite.

“the spreadsheet based” on line 4 of claim 17 lacks clear antecedent basis.

On lines 3-4, it is unclear how the step(s) for providing, and utilizing further limit any steps previously recited. It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps.

(N) As per claims 18-19, it is unclear if the applicant is seeking protection for the mean(s) of an apparatus or for a method comprising a series of the steps.

In addition, as per claim 18, it is unclear how the step(s) for establishing, allowing, starting, the step of recall/preventive/ administrative action, on lines 4-9, further limit the step(s) previously recited.

It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps.

Further more, it is unclear how the "means for embedded commands" is/ are structurally connected to with each other or with other structural limitation(s) to make up the system, the administrator, or to further limit the steps of the method claim.

In claim 19, it is unclear, it is unclear how the step(s) for editing, assigning on lines 4-7, further limit any steps previously recited. It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps.

Further more, it is unclear how the "means for patient privacy protection" is/ are structurally connected to with each other or with other structural limitation(s) to make up the system, the administrator, or to further limit the steps of the method claim.

(O) In claim 20, it is unclear if the applicant is seeking protection for the mean(s) of an apparatus, or for a method comprising a series of the steps, or an algorithm.

Also, on lines 5-11, it is unclear what are the steps. Language on lines 5-11 of claim 20 is not positively recited.

It is also how the step(s) in (i)-(iv) further limit any steps previously recited. It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps in (i)-(iv).

Further more, it is unclear how the "means to preserve" on lines 2-3 of claim 20 is/ are structurally connected to with each other or with other structural limitation(s) to make up the system, the administrator, or to further limit the step(s) of the method claim.

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"the event of deprecation", "the computer belief system", "the stigmata of having the @ character", "the belief system", "the look up" on lines 5,8,10, 11 lack clear and proper antecedent basis.

(P) As per claim 21, language on lines 1-4 of claim 21 is unclear and confusing. "with implemented step(s)" on line 2 is not positively recited.

Also, is unclear if applicant is seeking protection for an apparatus of structurally interconnected elements or for a method comprising a series of steps.

"the embedded commands" on line 4 of claim 21 lacks clear antecedent basis.

(Q) As per claim 22, it is unclear if the applicant is seeking protection for the mean(s) of an apparatus, or for a method comprising a series of the steps, or a new program.

Also, on lines 4-12, it is unclear what are the steps. Language on lines 4-12 of claim 22 is not positively recited.

It is also how the step(s) in (i)-(v) further limit any steps previously recited. It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps in (i)-(v).

Further more, it is unclear how the "means for rewriting.." on lines 2-3 of claim 22 is/ are structurally connected to with each other or with other structural limitation(s) to make up the system, the administrator, or to further limit the step(s) of the method claim.

"the relationship", "the command/action/management triad of collections", "the automatic generation", " the logging", " the action collection", "the writing out", "the

changed patient medical scripting language file", " "the altered patient file" on lines 4,5,8,9, 10, 11 lack clear and proper antecedent basis.

(R) As per claim 23, it is unclear if the applicant is seeking protection for the mean(s) of an apparatus, a method comprising a series of the steps.

It is also how the step(s) in (i)-(v) further limit any steps previously recited. It is also unclear what structure(s) of the administrator or the system is/are employed to carry out each of these steps in (i)-(v).

Further more, it is unclear how the "means for cognating...." on lines 2-3 of claim 23 is/ are structurally connected to with each other or with other structural limitation(s) to make up the system, the administrator, or to further limit the step(s) of the method claim.

"the first file", "the second file", "the two disparate", "the new file" on lines 5,7,9 lack clear antecedent basis . On lines 6,8, it is unclear what " their various collections" represent.

(S) As per claim 24, it is unclear if the applicant is seeking protection for the mean(s) of an apparatus, or for a method comprising a series of the steps;

Language on lines 1-4 of claim 24 is not positively recited.

"any derivative" on line 3 is indefinite. " the original medical scripting language" on line 4 lacks clear antecedent basis.

(T) As per claim 25, "the outcome of the query" on line 1 lacks clear antecedent basis.

On line 3, "written from the administrator" is confusing. It is unclear what structure of the administrator is employed for writing the patient file.

"all commands", "all presentation or symptoms or sign events", "all links", "all unity", "all management or prescription or procedure events" on lines 5,6,8,10,11 are indefinite. It is unclear what are these commands, symptom events, sign events, links, management events, prescription events, procedure events.

(U) As per claims 26, 27, "the query outcome" on line 1 lacks clear antecedent basis, "with a Mosaic type browser" on line 2 of claim 26 is not positively recited.

In summary, the language of the claims is confusing, and not positively recited. The claims recite unrelated items that are not structurally connected to make up an operative system or apparatus. Apparatus claims should be positively recited as a system comprising operatively elements that are structurally connected to perform each and individual recited functions. Likewise, method claim should be recited a procedure consisting of a series of positively recited interrelated steps to carry out the recited functions within a technological art.

(V) Dependent claims 3, 8 incorporate the deficiencies of the claims they depend on and are therefore rejected.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "System For Producing Medical Records and Documents" (6684188); "Scripting System" (5404528); " System For Associating Parameters Of

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Containers And Contained Objects" (6810522); "Structured Documents Having Embedded Elements" (5475805).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Bui whose telephone number is 571-272-6768. The examiner can normally be reached on Monday-Friday from 8:30A.M. to 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KTB.
05/25/05


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